(124)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3887 of 2004

Petitioner		Chuman Singh Sidar, son of Shri Shiv Prasad, aged about 28 years, Panchayat Karmi (Sachiv), Gram Panchayat – Behramuda, resident of village Edukala, Tah. Dharamjaigarh, Distt. Raigarh (Chhattisgarh)
	Versus	
Respondents	1.	The State of Chhattisgarh, through : the Secretary, Department of village Panchayat and Rural Development, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)
	2.	The Director, Panchayat, State of C.G., Raipur (Chhattisgarh)
	3.	The Collector, Raigarh (CG)
	4.	The Deputy Director, Panchayat and Social Welfare Distt. Raigarh (Chhattisgarh)
	5.	The Chief Executive Officer, Janpad Panchayat – Dharamjaigarh, Distt. Raigarh (CG)
	6.	Sarpanch, Gram Panchayat Behadamuda, Tah. Dharamjaigarh, Distt. Raigarh (Chhattisgarh)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri A. N. Bhakta, Advocate for the petitioner.

Shri Sushil Dubey, Government Advocate for the respondents No. 1 to 4.

Shri Awadh Tripathi, Advocate for the Respondents No. 5 and 6.

ORDER

(Passed on this 21st day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner has filed this petition, seeking a direction to quash the impugned order dated 16.3.2004 (Annexure P/1), whereunder, the appointment of the petitioner, as Panchayat Secretary, under Section 69(1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, has been withdrawn by the Deputy Director- Prescribed Authority, Panchayat and Social Welfare, district Raigarh.

(125)

2. The contention of the petitioner is that by this order the petitioner has not been removed from the post of Panchayat Karmi. However, the Gram Panchayat is not permitting the petitioner to work as Panchayat Karmi.

3. The Janpad Panchayat – Respondent No.5, represented through Shri Awadh Tripathi, learned counsel, in its return has stated that "so far as the petitioner's service regarding the post of Panchayat Karmi is concerned that has been not terminated by the order impugned." Learned counsel for the respondent No.5 submits that the petitioner is still working as Panchayat Karmi.

4. In view of the categorical statement made by the respondent No.5, the petitioner is entitled to his salary as Panchayat Karmi for the period, he was restrained from the work of Panchayat Karmi, after withdrawal of the assignment of the Secretary vide order dated 16.3.2004 (Annexure P/1), on the basis that the petitioner has been continuing as Panchayat Karmi.

5. In view of that, the petitioner does not want to press other reliefs with regard to quashing of the impugned order dated 16.3.2004(Annexure P/1).

6. The respondent No.5 is accordingly directed to ensure that the petitioner is granted his salary on the post of Panchayat Karmi and he should continue to work as Panchayat Karmi.

7. As a result, this petition is allowed to the above extent. No order as to costs.

Consequently, M(W)P No. 4295/2004 stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Thakur